



MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Sachi A. Hamai, Executive Officer-  
Clerk of the Board of Supervisors  
383 Kenneth Hahn Hall of Administration  
Los Angeles, California 90012

At its meeting held October 21, 2008, the Board took the following action:

60-A

The following item was called up for consideration:

Recommendation as submitted by Supervisors Yaroslavsky and Antonovich to direct County Counsel, in conjunction with the Fire Chief, to draft an amendment to the County's fire code that would require brush clearance around any electric power pole or transmission line under the County's jurisdiction, sufficient to mitigate any fire hazard, and to specify the dimensions of such brush clearance and provide for an appropriate frequency of inspection with appropriate fees to cover the cost; and request California Public Utilities Commission to expeditiously complete and publicize its year-long investigation of the 2007 Malibu Canyon Fire; and direct County Counsel to report to the Board within two weeks on the outcome of the petition to establish a rulemaking regarding disaster preparedness and management of overhead power lines filed by San Diego Gas & Electric Company following the 2007 fires.

The following revised statement was entered into the record for Supervisors Yaroslavsky and Antonovich:

"The apparent cause of the Sesnon Fire, which erupted on the morning of October 13, 2008, was a downed power line owned by the Southern California Gas Company. Transmission and distribution lines that come under the jurisdiction of the California Public Utilities Commission (CPUC) are governed by brush clearance requirements and are subject to inspections by that body. However, transmission or distribution lines that belong to non-electric utilities located entirely on private land, such as the Gas Company's line on Oat Mountain, are not regulated by the CPUC and so are not subject to the same kind of strict clearance and inspection requirements.

(Continued on Page 2)

“Local governments are preempted from legislating brush clearance requirements in connection with transmission or distribution lines that come under the CPUC’s jurisdiction, but they are not precluded from imposing such requirements around power poles and lines that do not come under the CPUC’s jurisdiction.

“Most of the wild land fires in Los Angeles County start in wilderness areas that are in its unincorporated areas. Public safety in these areas would be advanced if the County’s Fire Code were amended to more fully address brush clearance around power poles and transmission or distribution lines that do not come under the State’s jurisdiction, sufficient to mitigate a fire hazard in a high wind event such as the Santa Ana wind conditions that prevailed on October 13th.

“Additionally, following the Fall 2007 California wildfires, the CPUC began an investigation of power lines and their association with the cause of the 2007 Malibu Canyon Fire. The report of this investigation has never been made public. Also in 2007, the San Diego Gas & Electric Company filed a petition with the CPUC seeking a rulemaking regarding disaster preparedness and management of overhead lines, including specifically the possibility of improving the design of overhead lines in wildland areas and potential funding for undergrounding of such lines. It is our understanding that the CPUC denied this petition.”

Therefore, on motion of Supervisor Yaroslavsky, seconded by Supervisor Antonovich, unanimously carried (Supervisor Knabe being absent), the Board took the following actions:

1. Directed County Counsel, in conjunction with the Fire Chief, to draft an amendment to the County’s Fire Code that would more fully address brush clearance around any electric power pole or transmission or distribution line under the County’s jurisdiction, sufficient to mitigate any fire hazard and should specify the dimensions of such brush clearance and provide for an appropriate frequency of inspection with appropriate fees to cover the cost;
2. Requested the California Public Utilities Commission (CPUC) to expeditiously complete and publicize its year-long investigation of the 2007 Malibu Canyon Fire; and

(Continued on Page 3)

60-A (Continued)

3. Directed County Counsel, in conjunction with the Chief Executive Officer, to report to the Board within 30 days on whether it would be appropriate for the County to file its own petition seeking a rulemaking regarding disaster preparedness and management of overhead power lines.

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Copies distributed:

Each Supervisor  
Chief Executive Officer  
County Counsel  
Fire Chief

Letter sent to:

President and Commissioners,  
California Public Utilities Commission